

**FINAL DOCUMENT PROVIDED TO THE TRUST IN 2017 MODIFIED ONLY TO
INCLUDE A 2018 COLUMN REPRESENTING NERT'S SELF EVAL FOR 2018
AS REQUESTED BY THE AGENCIES**

PERFORMANCE ASSESSMENT FOR

**Le Petomane XXVII, Inc., not individually, but solely in its representative capacity as
Trustee of the Nevada Environmental Response Trust ("NERT" or "Trust")**

[Effective Date of Trust: February 14, 2011]

PERIOD OF PERFORMANCE: January 1, 2018 to December 31, 2018

Consolidated Review by NDEP Bureau of Industrial Site Cleanup and U.S. EPA Region 9

Ratings: EE-Exceeds Expectations; ME-Meets Expectations; DNME-Does Not Meet Expectations

CATEGORY	TRUSTEE ACTIONS	RATING	
1. Quality of Service:		2017	2018 (Self Eval)
	A. Fulfillment of core Trust Requirements.	ME	ME
	B. Ownership of the Henderson Property.	EE	EE
	C. Performance of administrative and property management functions related to the Henderson Property.	ME	ME
	D. Management and/or funding implementation of Environmental Actions for the Henderson Legacy Conditions that are approved by the Henderson Lead Agency and the payment of future oversight costs of the Lead and Non-Lead Agency.	EE	EE
	E. Pursuing claims and obtaining recoveries under the Henderson Chartis Policy.	EE	EE
	F. Actions as landlord under the Henderson Facility Lease.	ME	ME
	G. Actions as substitute party for Tronox LLC under the 2006 Henderson Consent Decree.	EE	EE
	H. Accuracy of reports/deliverables.	ME	ME
	I. Effectiveness of personnel.	ME	ME
	J. Technical excellence.	ME	ME
	K. Effectiveness of quality control program.	ME	ME
2. Cost Control:			
	A. Budget estimate accuracy and cost control.	EE ₁₆	EE
	B. Current, accurate, supported and	ME	ME

CATEGORY	TRUSTEE ACTIONS	RATING	
	complete fee applications.		
	C. Cost efficiencies or deficiencies.	EE ₁₆	EE
3. Schedule:			
	A. Maintains current project schedule with regular updates.	ME	ME
	B. Met project interim milestones (see attached).	ME	ME
	C. Responsiveness to technical feedback.	EE ₁₀	EE
	D. Met deliverables schedules.	ME	ME
4. Business Relations:			
	A. Effective management.	ME	ME
	B. Reasonable/cooperative.	EE	EE
	C. Responsiveness to Trust Requirements.	ME	ME
	D. Informs of issues/problems.	ME ₁₁	ME
	E. Flexibility.	EE ₁₂	EE
	F. Pro-active vs. reactive.	EE ₁₃	EE
5. Management of Key Personnel:			
	A. Effective management.	EE	EE
	B. Reasonable/cooperative.	ME	ME
	C. Responsiveness to Trust Requirements.	ME	ME
	D. Informs of issues/problems.	EE ₁₄	EE
	E. Flexibility.	ME	ME
	F. Pro-active vs. reactive.	ME	EE
6. Environmental Performance:			
	A. Overall progress towards NERT site goals.	EE ₁₅	EE
	B. Projects on schedule to meet Final Remedy timeframes.	ME	ME
	C. Perchlorate mass removal from groundwater met projections and milestones ₈	EE ₁₇	NA
	D. Decrease in Perchlorate loading to Las Vegas Wash along NERT RI Study Area and Downgradient Study Area.	ME	ME
	E. Provide multiple lines of evidence to demonstrate the effective management of the plume and plume shrinkage.	ME	ME

Footnotes (2017):

8. Targeting the removal of 400,000 pounds of perchlorate from the environment in 2017.
9. NERT worked with the Lead Agency to implement the SNWA Weir Treatment System Action Memo under a shifting timeframe and multiple uncertainties, and incorporated previously missing areas to the Site

as part of the Phase 3 Work Plan per direction of NDEP/US EPA to ensure a comprehensive conceptual site model of the Henderson Legacy Conditions.

10. NERT saw the need to keep the NDEP/US EPA and Stakeholders updated and involve everyone in the Work Plan process and implemented the Stakeholder Technical Roundtables in 2017. This added cost and time paid off with fewer comments and revisions spent on the deliverables.
11. NERT on a few occasions did not immediately notify the Agencies on issues/problems (Perchlorate Lab Certification, and Ammonia in AP-5).
12. NERT implemented the SNWA Weir Treatment Action Memo under uncertain time frames and flow rates within the agreed upon due date and actively developed a Value Engineering program at the NDEP's request which, after presentation to NDEP/US EPA of the proposed approach and associated cost, was later modified to be an Independent Cost Evaluation again at the NDEP's request.
13. The NERT saw its Permit excursions fall from previous years by pro-actively installing secondary containment at lift stations and other locations (AP-5 double walled pipe, SNWA Weir Dewatering Plant, etc.).
14. Issues with NERT's GWETS Contractor ETI were reported and managed quickly, and personnel changes at ETI have improved operations.
15. NERT = developed an OU Strategy to give flexibility to move specific areas forward from RI to FS and Remedy sooner as necessary. NERT expanded the RI investigation to include the transitional muddy creek and muddy creek formation at multiple areas. NERT = expanded the RI to include the Eastside areas. NERT actively implemented treatability studies that area already supplying data that will be a part of the FS ahead of schedule.
16. During the NERT Pre-Meeting several examples of Cost Controls were discussed for both 2A and 2C.
 - a. Arcadis was added to the AP-5 Project to evaluate costs, this will be expanded to the Pilots and Studies;
 - b. RI Modifications based upon field observations were submitted to expedite the RI Schedule and reduce; document prep and review times, and to reduce demobilization costs;
 - c. Decrease of the scope of the background soils study by 40%;
 - d. Reduction of the scope of the VER Treatability Study to more of a proof of concept;
 - e. Several examples of using local vendors and contractors to save on travel costs;
 - f. Continued direct talks with third parties to reduce lawyer fees;
 - g. Transition AP wells from Tetra Tech to ETI;
 - h. Negotiate direct pay terms with specific vendors;
 - i. Have contractor pay for travel costs on RI phase II and III to be competitive;
 - j. Implement soils management on Weir Dewatering Plant saving significant costs on solids disposal
17. NERT exceeded the 400,000 pound GWETS removal target without relying on any treatability study numbers.